

REMARKS

The Office Action of April 16, 2008 has been received and its contents carefully considered.

Present Status of Application

The present Amendment revises claims 8 and 45. Claims 1-45 are pending, and all of these claims have been rejected.

Response to Double Patenting Rejection

A terminal disclaimer is attached in response to the nonstatutory obviousness-type double patenting rejection of claims 1-45 over copending Application No. 10/793,034 in view of Hutcheson (US 6,947,761).

Response to Rejections under 35 U.S.C. 103

Claims 1-45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al (US 5,899,810) in view of Hutcheson et al (US 6,947,761). These references will be called simply "Smith" and "Hutcheson" for the sake of convenient discussion. The rejection is respectfully traversed.

In order for a claim to be properly rejected under 35 U.S.C. §103(a), the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., In re Dow Chemical, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); In re Keller, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Among these rejected claims, claims 1, 8, 17, 24, 31, 38 and 45 are independent. Claims 8, 17, 24, 31, 38 and 45 are rejected on the same basis as claim 1.

The above-noted revisions to claims 8 and 45 include the limitation, "wherein the Internet transmission channel is not connected to an Internet game server" to further distinguish the claimed invention from the cited references.

First Point:

One of the main features of claim 1 is “establishing an Internet transmission channel between a first internet game client and a second internet game client, wherein the Internet transmission channel is not connected to an Internet game server.” The other independent claims have similar limitations. This feature is not taught by Smith.

The Office Action (page 19) takes the position that Smith teaches establishing an Internet transmission channel between a first internet game client and a second internet game client, wherein the Internet transmission channel is not connected to an Internet game server (Queue Server; Figs. 2, 41 and 43; col. 3, lines 1-18).

However, according to Smith, the queue servers 41 and 43 are connected to game client computers and game servers 31 and 33, respectively. The queue servers 41 and 43 are used for relieving the game servers 31-33 from the burden of handling communication protocols. In addition, actual access from the game server to the Internet is buffered through separate queue servers.

The links established among the game servers, queue servers, and game clients are clearly depicted in Fig. 2 of Smith. That is, the game servers are connected to the queue servers, and the queue servers are connected to the game clients. No direct link is established between the game server and the game client, and no direct link is established between two game clients.

According to claim 1, an Internet transmission channel is established between a first internet game client and a second internet game client. In addition, the Internet transmission channel is not connected to an Internet game server.

The links established among the game server and game clients are clearly depicted in Fig. 2 of the present application. That is, the game server is connected to the game clients, respectively, and a direct link is established between the game clients.

Accordingly, to one of ordinary skill in the art, the queue server does not teach or suggest the Internet transmission channel of claim 1 (and the other independent claims). Further, Hutcheson fails to overcome the deficiencies of Smith.

Second Point:

Another of the main features of claim 1 is “retrieving first real-time video data and first real-time audio data in the first internet game client in the Internet game.” Independent claims 17, 24, 31, and 38 have similar limitations. This feature is not taught by Smith, either.

The Office Action (page 20) asserts that Smith discloses retrieving first real-time video data and first real-time audio data in the first internet game client in the Internet game (see Smith, col. 3, lines 1-5).

It is respectfully submitted, though, that col. 3, lines 1-5 of Smith teaches nothing about “retrieving first real-time video data and first real-time audio data in the first internet game client in the Internet game” in accordance with claim 1 (and similar limitations in independent claims 17, 24, 31, and 38).

Further, according to Smith (abstract), the input of a user is intended to control movement of the user’s proxy within the virtual world. Smith fails to teach the feature of “retrieving first real-time video data and first real-time audio data in the first internet game client in the Internet game.” Further, Hutcheson fails to overcome the deficiencies of Smith.

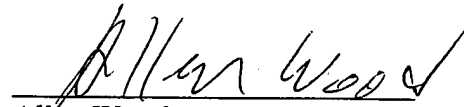
In view of the first and second points discussed above, it is respectfully submitted that Smith and Hutcheson would not have suggested all features of the claim 1 to one of ordinary skill in the art. Accordingly, the rejection of claim 1 should be withdrawn. The rejection of independent claims 8, 17, 24, 31, 38, and 45 should be likewise withdrawn.

The remaining claims depend from the independent claims discussed above and recite additional limitations to further define the invention, so they are patentable along with their independent claims and need not be further discussed.

Conclusion:

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Allen Wood", is written over a horizontal line.

Allen Wood

Registration No. 28,134

Rabin & Berdo, P.C.

Customer No. 23995

(202) 326-0222 (telephone)

(202) 408-0924 (facsimile)

AW/ng